



Brotherhood of Railroad Signalmen

601 West Golf Road
Mount Prospect, IL 60056

W. Dan Pickett
International President

ENTERED
Office of Proceedings

Phone: (847) 439-3732
Fax: (847) 439-3743

Walt A. Barrows
International Secretary-Treasurer

OCT 22 2004

Part of
Public Record

212314

September 30, 2004

Docket Clerk
DOT Central Docket Management Facility
Room PI-401 (Plaza Level)
400 Seventh Street, S.W.
Washington, DC 20590-0001

Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001



Re: STB Finance Docket No. 34495

Dear Sirs:

The Brotherhood of Railroad Signalmen (hereinafter referred to as "BRS") submits the following written comments for consideration concerning the above-referenced STB lease application designated as the Buckingham Branch Railroad (BBRR) Company Lease of CSXT identified in the June 25, 2004 Federal Register, as STB Finance Docket Number 34495.

COMMENTS

The proposed lease application raises a significant number of serious and important issues, which must be addressed before any lease application is approved or finalized. The BRS implores the STB to deny this lease application in its entirety.

In the application, the BBRR asserts that it would maintain the line and that after two years, BBRR would also assume the maintenance of the signal system.

In their application, by their own admission, BBRR is a Class III railroad with limited funds for maintenance of their current lines. Short lines (Class III railroads) are historically undercapitalized and have a high failure rate. There is nothing in the application to suggest that the BBRR has the financial wherewithal to maintain the application area at its current level of safety. The addition of the trackage in this application would put a severe strain on the finances of the BBRR. In all likelihood the BBRR would have to petition for state, county or federal funds to perform the required track and infrastructure maintenance on the application area. This is nothing more than an effort by CSXT to ease their financial burden by shifting the maintenance and infrastructure costs to the states, counties, etc.

The BBRR is a railroad who until very recently operated as excepted track. This is the worst possible level at which track is rated. Excepted track can only operate freight up to 10 miles per hour and cannot operate passenger trains at any speed. It is currently designated as

Class I track and can operate freight trains up to 10 miles per hour and passenger trains at 15 miles per hour. This is a railroad that clearly neither has the expertise nor the capital to properly maintain the trackage in the application area.

In the application, the BBRR asserts further that it would seek approval from FRA and Amtrak, as necessary, to abandon the Train Control System (TCS, a signal system) currently in place on the North Mountain and Washington Subdivisions between Clifton Forge and Orange, that CSXT would maintain the TCS for up to two years while BBRR seeks such abandonment authority, and upon approval of the abandonment of the TCS, or two years after commencement of the lease, whichever occurs first, that if the TCS system is not abandoned, BBRR and CSXT would assess the situation to the mutual satisfaction of both parties.

In the *Labor Impacts* portion of the application, BBRR asserted that seven signal and communication employees represented by the BRS would be displaced, and an additional three such signal and communication employees would be relocated. Of particular interest is the section where BBRR asserts that if the signal system on the line has not been approved for abandonment by FRA and Amtrak, as necessary, two years after consummation of the lease, BBRR expects to hire approximately six signal and communications employees to operate the signal system. If FRA and Amtrak, as necessary, authorize abandonment of the signal system, BBRR notes that it would not hire *any* signal and communication employees. For the record a TCS signal system is designed and utilized for the safe and efficient movements of trains. Grade crossing signal systems are designed and utilized to protect the public, both on foot and in automotive transportation.

Nowhere in the application does BBRR address the federally required maintenance, inspection, testing and repair of the 56 grade crossing signal systems at the following highway-rail intersections in the application area:

GRADE CROSSING	MILEPOST
Hospital Street	CA 85.7
Dill Road	CA 87.5
Meadow Bridge Road	CA 90.1
Route 1250	CA 90.9
Cool Springs Road	CA 94.2
Ashcake Road	CA 96.9
Stumpy Road	CA 98.5
Route 657	CA 99.3
Cady's Mill	CA 99.6
Cady's Mill (west)	CA 101.1
Route 54	CA 103.5
Depot Street	CA 160.3
Main Street Gilville	CA 160.2
Old Louis N. Road Route 691	CA 159
Doctors Road Route 632	CA 155.5

GRADE CROSSING	MILEPOST
Dunkum Store Road Route 636	CA 153.2
Oakland Road Rout 613	CA 150.45
Kents Mill Road Route 693	CA 147.3
West Street Route 666	CA 147.3
Main Street	CA 147.77
Cotler Street	CA 146.47
Church Avenue Route 1001	CA 146.5
Fredericksburg Avenue	CA 146.4
Chopping Road Route 623	CA 142.18
Chalk Level Route 625	CA 143.9
1 st Street Route 522	CA 140.7
5 th Street Route 110	CA 140.3
Mica Road Route 700	CA 138.83
Frederick's Hall Route 618	CA 134.6
Pottiesville Road Route 650	CA 131.25
Bumpass Road Route 601	CA 129.35
Tyler Station Road Route 658	CA 127.3
Beaver Dam Road Route 715	CA 124.44
Beaver Dam School Road	CA 124.1
Temam Road Route 738	CA 122.8
Hewlett Road Route 601	CA 119.71
Verdon Road Route 684	CA 116.0
Stone Quarry Road	CA 115.2
New Market Mall Road Route 685	CA 146.6
Mt. Hope Church Road Route 602	CA 146.6
Doswell Route 688	CA 111.9
Kings Dominion Blvd. Rout 30	CA 110.66
Carlton Road	CA 180.8
Luck Stone	CA 176.9
Route 744	CA 174.6
Route 731	CA 174.4
Campbell	CA 170.3
Lindsay	CA 165.2
Klockner	CA 167.2
High Street	CA 160.7
Baker Street	CAA 8.7
Route 690	CAA 8.1
Double Day	CAA 5.1
Madison Run	CAA 4.1
Lee's	CAA 3.1
Divivis	CAA 0.8

The BBRR will be responsible for the maintenance, inspection, testing and repair of 56 highway rail grade crossing signal systems. Yet their application lacks any information on how that will be accomplished. 49 CFR 234 Grade Crossing Signal System Safety, along with Subpart A, General (Sections 234.1 - 234.6); Subpart B, Reports (Sections 234.7 - 234.13); Subpart C, Response to Reports of Warning System Malfunction (Sections 234.101 - 234.109); and Subpart D, Maintenance, Inspection, and Testing (Sections 234.201 - 234.273) describe the requirements for proper care of highway rail grade crossing signal systems.

The maintenance, inspection, testing and repair of 56 highway rail grade crossing signal systems is a huge responsibility for a railroad who does not have any communication and signal employees, and has no intention of hiring any communication and signal employees if the *train* signal system is abandoned. The BRS contends that BBRR's failure to include what steps will be taken to ensure the safety of the traveling public and their employees is reason alone for the STB to deny this application in its entirety.

Railroad signal systems are valuable assets to transportation safety. They comprise a critical element of the safe and efficient operation of a railroad. Due to recent acts of terrorism, most railroads have improved and tightened their security surrounding their infrastructure. One of the most important parts of a secure railroad infrastructure is a fully operational signal system, especially on trackage where passenger trains traverse. It should be noted that an Amtrak train (the Cardinal) operates over part of the C&O Line (between Clifton Forge and Gordonsville) and all of the Orange Line (between Gordonsville and Orange). The removal of these systems can only serve to have a negative impact on our nation's overall transportation system.

If the STB determines that additional information is needed to address the issues raised by the filing of this application, the Brotherhood, in connection with this protest, requests that the agency conduct joint field inspections and hold a public hearing to help determine this matter and to fully explore the possible impact of the Buckingham Branch Railroad Company Lease of CSXT.

Sincerely,



W. Dan Pickett
International President

cc: Grand Executive Council
Tim DePaepe, Director of Research, BRS
CSXT General Chairmen
R.D. DePriest, LC Local 89
Fred Simpson, BMW President
Rich Edelman, Esq.

Sent electronically to Docket Clerk at <http://dms.dot.gov>